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One Dollar

'We will take your comments seriously,' Markman says

Representative Assembly considers controversial jury reforms

BY FRANK WEIR
Legal News

The Representative Assembly of the State Bar of Michigan met last Thursday during the 71st Annual Meeting of the State Bar and considered a number of jury reforms that have been proposed and are being considered for implementation by the State Supreme Court.

The Representative Assembly represents Michigan's attorneys.

The proposals to MCR 2.512 through 2.516 and MCR 6.414 were announced by the Supreme Court on July 13 of this year. The eighteen-page Administrative Order (ADM 2005-19) can be seen on the Supreme Court's website at:

<http://www.courts.michigan.gov/supremecourt/Resources/Administrative/2005-19.pdf>

A number of states have implemented similar proposals including Indiana. Several Indiana lawyers and judges were on hand Thursday to discuss their experiences with jury reform.

Outgoing chairman of the RA, Ann Arbor attorney Lori Buiteweg led the meeting as her final duty as chair.

Buiteweg will report on the results of Thursday's discussion and the recommendations made by the RA at a later date.

At the beginning of the session,

Michigan Supreme Court Justice Stephen Markman addressed the RA about the proposed jury reforms.

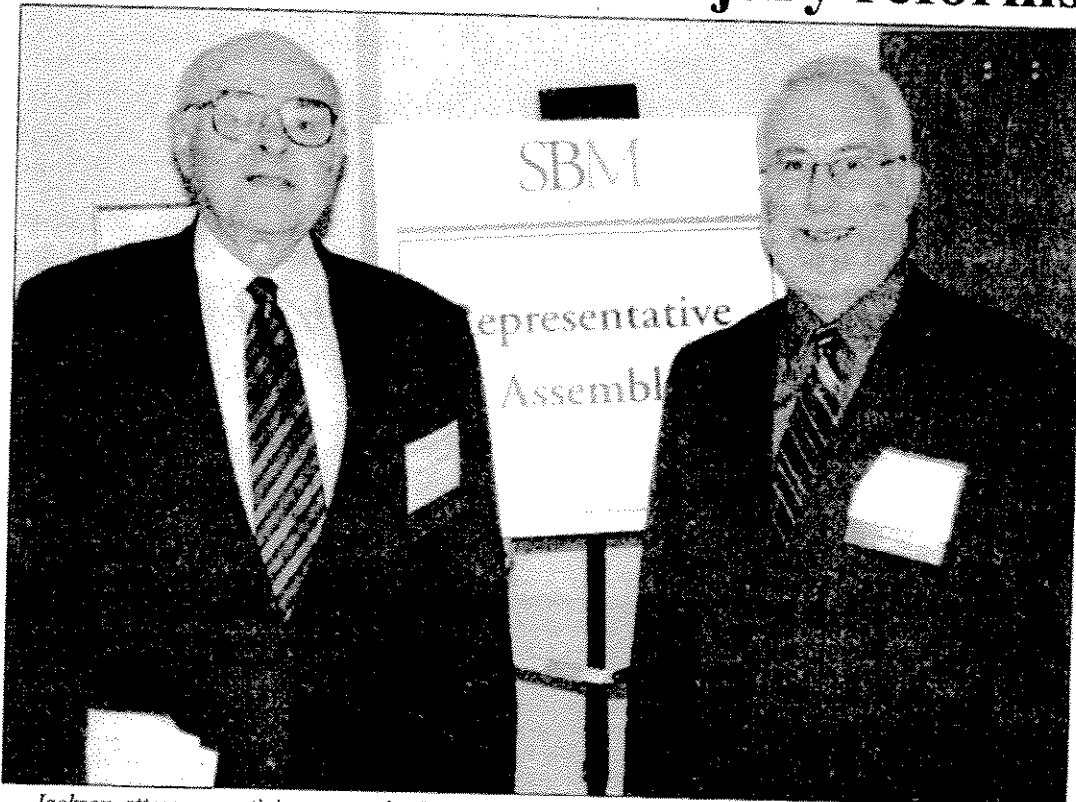
"I am not here to urge approval but only for your thoughtful consideration," Markman began.

"There is no member of the court that favors all of these reforms. They have been collected together from various sources and we thought they were provocative enough that they should be submitted for public review.

"Some talk about what courts may do, others about what courts shall do. Some consolidate several proposals while others are new initiatives. Some are drawn from other jurisdictions.

"But all are designed to improve the quality of the jury process and thereby strengthen the search for truth. They attempt to assist jurors to make informed intelligent decisions by making evidence more accessible, to diminish gamesmanship and to facilitate the jury in assessing the evidence before it," he said.

Markman added that "there is tentatively strong support on the court for the idea that these reforms should be seriously explored. But the burden is on the proponents of change and we realize that there is at least as much potential for the system to be weakened.



Jackson attorney participants on the Representative Assembly include, l-r, Bruce Barton and David Lady, both of whom were on hand Thursday at the State Bar's Annual Meeting.

—Legal News Photo by Frank Weir

"We will take your comments very seriously and we appreciate your expertise. It would be unfathomable that you would not be taken seriously by the court."

"But it is our hope that you would consider the proposals not merely from the perspective

of the bar or bench but also from the perspective of the larger public interest," Markman concluded.

The Michigan Supreme Court wants to hear comments from attorneys before Nov. 1.

The genesis of many of the

proposals comes from the American Bar Association's American Jury Project and American Jury Commission, which was endorsed by the Conference of Chief Justices earlier this year.